

**ORDINANCE NO. 1101 – 2018**

**AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING CHAPTER 150 OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 150-011 "UTILITY SHED" TO LIMIT THE SIZE OF UTILITY SHEDS ON RESIDENTIAL PROPERTIES TO FIFTEEN PERCENT OF THE REAR YARD AREA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Miami Springs (the "City") wishes to amend Chapter 150, "Zoning Code," of the City's Code of Ordinances (the "Code") by amending Section 150-011, "Utility Shed," to limit the size of utility sheds on residential properties to fifteen percent of the rear yard area of the property, not to exceed a maximum size of 250 square feet; and

**WHEREAS**, the City Council hereby finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, THAT:** <sup>1</sup>

**Section 1. Recitals Adopted.** That the above-stated recitals are hereby adopted and confirmed.

**Section 2. Amending Chapter 150 of the City Code.** That the Code of Miami Springs, Florida is hereby amended by amending Section 150-011, "Utility shed," which Section shall read as follows:

CHAPTER 150 – ZONING CODE

ARTICLE I. IN GENERAL

Sec. 150-011. – Utility shed.

(A) The following provisions shall regulate and govern the installation and location of utility sheds on single-family residential properties in the City.

1. Utility sheds shall be constructed in the rear yard only, and there shall be no more than one utility shed on each residential homesite property in the City.

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

2. The permitted size of utility sheds on residential homesite properties in the City shall be limited to ~~five-~~ fifteen percent of the rear yard area of the property, not to exceed a maximum size of 250 square feet, and shall be installed and anchored in accordance with the applicable rules and regulations of the Florida Building Code.
3. Notwithstanding the provisions of the foregoing subsection (B), the permitted size of utility sheds shall be further limited by the maximum rear yard area coverage limitation of 15 percent set forth in § 150-041(A)(2).
4. Utility sheds shall be detached at least ten feet from the main building, and shall conform to setback requirements applicable to the main building, and shall be not less than five feet from the rear lot line.
5. Minimum electrical and plumbing service may be allowed as approved by the building department. It is the intent of this section that the use of a utility shed be incidental to the family dwelling, and shall not be used for any business purpose or sleeping or living quarters.

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**Section 3.** **Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 4.** **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.** **Inclusion in Code.** That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 6.** **Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

**PASSED ON FIRST READING** this 8<sup>th</sup> day of January, 2018, on a motion made by Vice Mayor Mitchell and seconded by Councilman Petralanda.

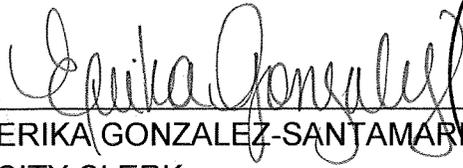
**PASSED AND ADOPTED ON SECOND READING** this 12 day of February, 2018, on a motion made by Councilman Best and seconded by Councilman Petralanda.

Vice Mayor Maria Puente Mitchell      YES  
Councilwoman Bob Best                      YES  
Councilwoman Mara Zapata                YES  
Councilman Jaime Petralanda              YES  
Mayor Billy Bain                                YES



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BILLY BAIN, MAYOR

ATTEST:



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ERIKA GONZALEZ-SANTAMARIA, M.M.C.  
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:



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WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.  
CITY ATTORNEY